

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Claim objections

Claims 40 and 41 are presently objected to for certain informalities. In particular, the Examiner notes that, in the last line of these claims, the word "blocking" should read -- block--. Claims 40 and 41 are amended according to the Examiner's suggestion.

Additionally, the Examiner indicates that lines 5-6 of claims 40 and 41 are confusing, as this portion of claims 40 and 41 indicate that the shackle is allowed to rotate about the longer arm when the block portion is rotated to the second position, while claim 38 indicates that the shorter arm remains staying in the receptacle when the block is rotated to the second position. Claims 38, 40 and 41 are each amended in this regard, to consistently describe the rotation of the shackle (or prevention of rotation of the shackle) according to the first and second positions of the block portion.

In view of these amendments, withdrawal of the objection is requested.

Rejection of claim 38 under 35 U.S.C. § 102(b)

Claim 38 presently stands rejected as being anticipated by Gambino (U.S. 1,426,978), and as being anticipated by Primak (U.S. 1,462,869). These rejections are respectfully traversed for at least the following reasons.

As defined in the amended claim 38, the present invention is directed, generally, to a padlock comprising a lock body, a shackle and a confining block. The lock body defines a first hole and a second hole. The first hole of the lock body is provided to receive a longer arm of the shackle while the second hole of the lock body is provided to receive a stem portion of the confining block, rather than a short arm of the shackle.

In contrast, Gambino discloses a case 1 defining two openings 4 both for receiving the parts 10 and 11 of a shackle 5, as shown in FIG. 2 of Gambino. Therefore, the subject invention is quite different from the Gambino reference at least for this reason. That is,

Gambino does not disclose or suggest a confining block including a block portion and a stem portion extending from a bottom of the block portion, the block portion being rotatably disposed outside the lock body.

Furthermore, the confining block of the present invention has a block portion located outside the lock body. The stem portion extends from a bottom of the block portion, and is received in the lock body. Thus, when the short arm of the shackle is received in a receptacle of the block portion of the confining block, a distal end of the short arm is directed toward the stem portion, but still located "outside" the lock body.

In contrast, the part 11 of the shackle 5 of Gambino is to be received "inside" the case 1, as shown in FIG. 2. That is, Gambino does not disclose or suggest either the confining block having a block portion located outside the lock body, or such a block portion having a receptacle.

Therefore, Gambino fails to disclose or suggest each and every element set forth in claim 38, and therefore claim 38 is not anticipated by Gambino. Accordingly, it is respectfully submitted that claim 38 is allowable over the cited reference, and withdrawal of the rejection is requested.

Additionally, Applicant respectfully submits that Primak discloses a lock similar to Gambino's lock. That is, Primak's lock also lacks a confining block including a block portion and a stem portion extending from a bottom of the block portion, the block portion being rotatably disposed outside the lock body, wherein the block portion has a receptacle for selectively receiving and retaining a shackle end. Referring to Primak's Fig. 1, it can be seen that both arms of the shackle 12 are inserted into a hole of the lock case, rather than a first arm inserted into a hole of the lock case but the second arm engaged with a block portion located *outside* the lock body.

Therefore, Applicant respectfully submits that Primak also fails to disclose or suggest each and every element set forth in claim 38, and therefore claim 38 is not anticipated by Primak. Accordingly, it is respectfully submitted that claim 38 is allowable over the cited reference, and withdrawal of the rejection is requested.

Rejection of claims 38-41 under 35 U.S.C. § 103(a)

Claims 38 and 40 presently stand rejected as being unpatentable over Loughlin (U.S. 2004/0226324) in view of Fleming et al. (U.S. 4,876,866), and claims 39 and 41 are rejected as being unpatentable over Loughlin and Fleming in view of Lai (U.S. 6,035,672). These rejections are respectfully traversed for at least the following reasons.

The amended Claims 38-41 more clearly point out the presently claimed invention as clearly supported by Applicant's provisional Application No. 60/443,331 filed on January 29, 2003 (hereafter referred to as the '331 Provisional Application), to which the present application claims priority.

The Examiner has noted that Loughlin claims priority to provisional application 60/470,999, filed on May 16, 2003. However, Applicant notes that the '331 Provisional Application was filed on January 29, 2003, well prior to the earliest reference date of Loughlin.

It is respectfully submitted that all of the features defined in the amended claims 38-41 are fully supported not only by the present application but additionally by FIGS. 5-8 of the '331 Provisional Application.

Referring to the '331 Provisional Application, support is found for the present invention generally directed to a padlock, comprising a lock body (FIG. 5, A+B), a shackle (I), a confining block (C) and a numeral wheel set. The lock body (A+B) has a first hole and a second hole both facing in the same direction. The shackle (I) has a longer arm rotatably received in the first hole of the lock body (FIG. 7 or 8) and a shorter arm extending from the longer arm and being disposed outside the lock body (FIG. 7 or 8).

While the Examiner has indicated that the provisional application is not regarded as providing a clear support for a longer shackle leg and a shorter shackle leg, Applicant respectfully disagrees. Referring to FIG. 7 from the '331 Provisional Application, reproduced in part below, the bottom end of the right-hand shackle arm can be recognized to be below the bottom end of the left-hand shackle arm, clearly depicting the longer arm and the shorter arm. The longer and shorter shackle ends are also apparent in FIG. 8 of the '331 Provisional Application.

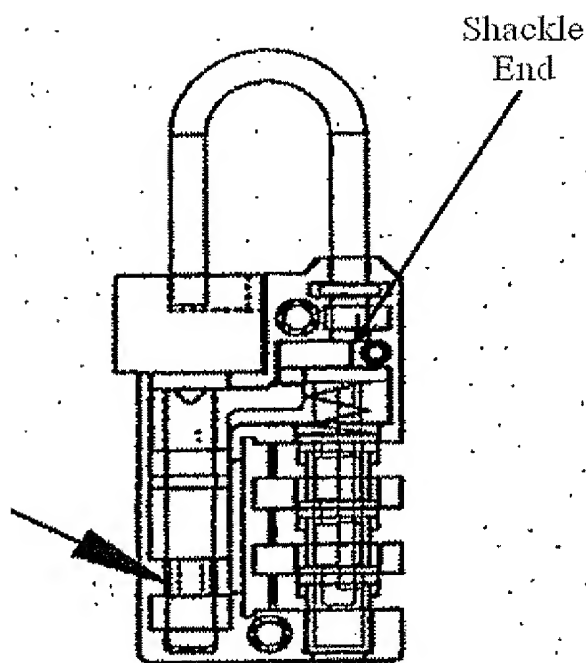


Fig. 7

The shorter arm is rotatable about the longer arm to a locked position (as shown in FIG. 7) and an unlocked position (as shown in FIG. 8). The confining block (C) includes a block portion and a stem portion extending from a bottom of the block portion. The block portion is rotatably disposed outside the lock body (FIGS. 7 and 8) and defines a receptacle therein (FIG. 5 or 7). The stem portion of the confining block is rotatably received in the second hole of the lock body and is rotatable with the block portion simultaneously (FIGS. 7 and 8).

The receptacle of the block portion (C) has a first opening defined in top of the block portion and a second opening defined in a side of the block portion and in communication with the first opening. The first opening of the receptacle is configured for receiving the shorter arm of the shackle (I) when the shorter arm is located in the locked position (FIG. 7). The block portion (C) is rotatable between a first position, as shown in FIG. 7, where the short arm of the shackle (I) is prohibited from entrance into or withdrawal from the receptacle of the block portion (C) via the second opening, and a second position, as shown in FIG. 8, where the short arm of the shackle (I) is allowed to be rotated about the longer arm of the shackle (I) for entrance into or withdrawal from the receptacle of the block portion (C) via the second opening.

The numeral wheel set is disposed in the lock body (A+B) and includes a shaft (E), a plurality of inner sleeves (Fa, Fb) and a plurality of digit-wheels (G). The shaft (E) of the numeral wheel set is parallel with the stem portion of the confining block (C) and lies diagonally opposite to the block portion of the confining block (C). The inner sleeves (Fa, Fb) are in parallel with one another and are placed around the shaft (E). Each of the digit-wheels (G) is mounted around a respective one of the inner sleeves (Fa, Fb).

It is respectfully submitted that, since the '331 Provisional Application does in fact support all features claimed in Claims 38-41, and has a filing date prior to the Loughlin reference, the rejections based on Loughlin cannot be maintained. Therefore, withdrawal of the rejections is requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 38-41 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

Date: August 27, 2009

Respectfully submitted,



JOHN R. SCHAEFER
Attorney for Applicant
Registration No. 47,921